IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 17065 of 2007(F)

PETITIONER:

REEJA, W/O. PREMARAJAN,
KOMMADATHU HOUSE, P.O. PAVANDOOR, KAKKOOR,
KOZHIKODE.

BY ADV. SRI.R.SUDHISH
SRI.P.B.SAJITH

RESPONDENTS:

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1. KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS CHAIRMAN.

2. THE DEPUTY SECRETARY (RECOVERY),
KERALA STATE HOUSING BOARD, THIRUVANANTHAPURAM.

3. THE ASST. SECRETARY,
KERALA STATE HOUSING BOARD, CHAKKORATHUKULAM,
KOZHIKODE-673 006.

4. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, KOZHIKODE-4.

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB – FOR R1 TO R3.
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 17065/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DEMAND NOTICE DATED NIL ISSUED BY THE CHIEF REVENUE OFFICER OF THE RESPONDENTS.

P2 : COPY OF THE REPRESENTAITON DATED 16/03/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P3 : COPY of the REPLY TO EXT.P2 DATED 11/04/2007 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS

R1 : COPY OF REGISTERED MORTGAGE DEED NO.992/96 OF SUB REGISTRAR OFFICE, THAMARASSERY DATED 24/02/1996.

R1(a) : COPY OF THE LETTER DATED 30/11/2006 OF HOUSING BOARD ISSUED TO PETITIONER.

R1(b) : COPY OF LETTER DATED 25/06/2007 ISSUED TO PETITIONER BY KSHB.

R1(c) : COPY OF STATEMENT OF ACCOUNTS ISSUED BY KSHB TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 17065 of 2007

Dated, this the 18th day of July, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned Standing Counsel appearing for Housing Board. Since OTS scheme was available for settlement of liability when the writ petition was filed, this Court vide order dated 05/06/2007 directed Housing Board to grant OTS benefit to the petitioner. Petitioner has produced proceedings dated 25/06/2007 issued by the Housing Board, granting OTS benefit to the petitioner for settlement of liability on remittance of Rs. 5,02,688.63. However, in terms of the directions of this Court, Housing Board demanded full payment before 30/06/2007. It is seen that the communication was issued by the Housing Board on 25/06/2007. Obviously, petitioner cannot raise such huge amount within a short time of five days. Even under OTS scheme, reasonable time, and in some cases, instalments are granted for settlement. In the circumstances, I feel, as a last chance petitioner can be granted time till 15/09/2007 to remit the amount demanded by the Housing Board without any additional liability, provided the amount of Rs. 5,02,688.63 is paid on or

before the said date. There will be direction to the respondents to withhold recovery proceedings till 15/09/2007 for payment and settlement as above. If petitioner makes payment as above, title deed should be released without recovering any further charges.

2. However, if petitioner commits default in making payment as above, OTS benefit granted to the petitioner will stand automatically cancelled and Housing Board can recover the full arrears in terms of loan agreement, and there will be direction to the petitioner to hand over the building financed by the Housing Board, free of possession, to the Housing Board for sale in auction after 15/09/2007. If petitioner commits default in payment and fails to surrender the building free of possession, Housing Board can move this Court for initiating contempt against the petitioner.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg